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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,595	12/13/2000	Mirosław Z. Bober	200801US2	3702
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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER RAMAKRISHNAIAH, MELUR				
ART UNIT		PAPER NUMBER		
2643				
DATE MAILED: 10/22/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/734,595

Applicant(s)
Miroslaw Z. Bober et al.

Examiner
Melur. Ramakrishnaiah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 26, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-16, 18, 19, 21-24, 26, 27, and 30-34 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-16, 18, 19, 21-24, 26, 27, and 30-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 13 6) ☐ Other:

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 21-24, 26-27, 30-33, are rejected under 35 U.S.C. 103(a) as being unpatentable over Falcon (US PAT: 6,593,955B1) in view of Yoshino (JP407321781A).

Regarding claims 1, 21-24, Falcon discloses a method of processing a video image that includes an object of interest, comprising: capturing a sequence of images having a first resolution, in which the object of interest occupies a fraction of plural images of the sequence of captured images, tracking the object of interest by selecting and extracting a region of each of the plural images that includes object of interest, and coding the extracted region or each of the plural images, wherein the extracted region of each of the plural images has a second resolution smaller than the first resolution (figs. 1, 2, col. 5 lines 20-67, col. 6 lines 1-18, col. 9 lines 9-13), arranging the video camera so that an object of interest occupies a fraction of an area of a captures image having a first resolution (col. 6 lines 26-67, col. 7 lines 1-43).

Falcon differs from claims 1, 21-24 in that he does not explicitly teach using resolution corresponding to display format of a receiving device.

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However, Yoshino discloses a communication system and terminal equipment which teaches the following: using resolution corresponding to display format of a receiving device (fig. 1, see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Falcon's system to provide for the following: using resolution corresponding to display format of a receiving device as this arrangement would facilitate displaying the image at the receiving end which is suitable for display capability of display at the receiving end as taught by Yoshino.

Regarding claims 2-7, 26-27, 30-33, Falcon further teaches the following: stabilizing the object of interest within the extracted region (col. 6 lines 60-67, col. 7 lines 4-22), extracted region is selected so that the object of interest is centered within the extracted region (col. 6 lines 43-59), transmitting the coded extracted region and decoding and displaying the coded extracted region (col. 5 lines 61-65), extracted region is displayed in a format comprising fewer pixels than each of the plural images of sequence of captured images, object of interest occupies a small fraction of each image (col. 5 lines 36-43, col. 9 lines 9-13), image processing circuit (fig. 1), object of interest occupies less than a predetermined fraction of each image, object of interest occupies small fraction of each image (col. 5 lines 36-45).

3. Claims 11, 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Falcon in view of Fujino et al. (JP405068241A, hereinafter Fujino)

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Regarding claims 11-19, Falcon does not teach the following: captured image is in CIF format and the selected region is in QCIF format.

However, Fujino discloses CIF image transforming system for video telephone which teaches the following: generating and transmitting picture in CIF or QCIF format (fig. 1, see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Falcons's system to provide for the following: captured image is in CIF format and the selected region is in QCIF format as this arrangement would provide well known methods of image formatting to suite the applications in video telephone as suggested by Fujino.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35

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U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 8-9, 12-14, 15-16, 18, 34, are rejected under 35 U.S.A. 102(e) as being anticipated by Falcon.

Regarding claims 8 and 15, Falcon discloses a method of processing a video image captured by a camera, the video image including an object of interest, comprising: selecting a region of interest, the selected region being a predetermined size, and coding the selected region wherein the selected region corresponds to a display format having fewer pixels than the format of the image captured by the camera (fig. 2, col. 5 lines 20-65), selecting a region of captured image including the object of interest in which the selected region is greater than an area of object of interest (for example eyes and mouth) by predetermined degree, and selected region has a first size, scaling the selected region to a predetermined second size, and coding the selected region (col. 5 lines 36-67, col. 6 lines 1-11).

Regarding claims 9, 12-14, 16, 18, 34, Falcon further teaches the following: selected region is coded and non selected region of the captured image is discarded (col. 5 lines 36-63 and fig. 2), selected region is scaled to compensate for the movements of the object of interest backwards and forwards relative to the camera, object of interest is stabilized within the selected region, selected region is selected such that the object of interest is centered in the selected region (col. 6 lines 60-67, col. 7 lines 4-16), object of interest occupies a predetermined percentage of

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selected region, predetermined second size corresponds to a known display format (col. 5 lines 20-65).

Response to Arguments

6. Applicant's arguments with respect to claims 1-7, 8-9, 11-16, 18-19, 21-24, 26-27, have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on Monday to Friday from 7 AM to 4 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708. The fax phone number for this Group is (703) 305-9508.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:


(703) 308-6306, (for formal communications intended for entry)

Or:

(703) 305-9508 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington. VA., Sixth Floor (Receptionist).


Melur. Ramakrishnaiah

PRIMARY EXAMINER

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